

In re Application of BUERGELT et al.

Confirmation No: 3776

Application No. 10/802,197

Examiner: OGUNBIYI, O. A.

Page - 5 -

REMARKS

Claims 1-20 are pending in the application. Claims 15-20 are withdrawn as being directed to non-elected subject matter. The elected claims set forth, herein, are merely to comply with the Restriction Requirement and is not to be construed as surrender of any subject matter in the instant application. Applicants hereby reserve the right to pursue the subject matter of the canceled claims in one or more divisional patent applications.

Restriction Requirement

In the above-identified Office Action, the examiner set forth a restriction requirement and required election of one of the following groups under 35 U.S.C. § 121:

Group I: Claim(s) 1-14, drawn to a method of detecting a Map infection in an animal comprising (a) providing a biological sample from the animal; and (b) subjecting the biological sample to PCR using primers J1 and J2, classified in class 435 subclass 91.2.

Group II: Claim(s) 15-20, drawn to a purified nucleic acids comprising the nucleotide sequence of SEQ ID NO: 1 or SEQ ID NO: 2 and a kit comprising primers for detecting Map infection in an animal, classified in class 536, subclass 24.32.

In response, Applicants elect Group I: Claim(s) 1-14, drawn to a method of detecting a Map infection in an animal comprising (a) providing a biological sample from the animal; and (b) subjecting the biological sample to PCR using primers J1 and J2, classified in class 435 subclass 91.2. This election is made without traverse.

The elected claims set forth, herein, are merely to comply with the Restriction Requirement and is not to be construed as surrender of any subject matter in the instant application. Applicants

In re Application of BUERGELT et al.

Confirmation No: 3776

Application No. 10/802,197

Examiner: OGUNBIYI, O. A.

Page - 6 -

hereby reserve the right to pursue the subject matter of the canceled claims in one or more divisional patent applications. Applicants invite the Examiner to call the undersigned if it is believed that the above restriction election is incomplete or improper in any way, or if a telephonic interview will expedite the prosecution of the application to an allowance.

Although, Applicants believe that no extensions of time are required with submission of this paper, Applicants request that this submission also be considered as a petition for any further extensions of time if necessary. The Commissioner for Patents and Trademarks is hereby authorized to charge the amount due for any retroactive extensions of time and any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees paid on the filing or during prosecution of this application to Deposit Account No. 50-0951.

Respectfully submitted,
AKERMAN SENTERFITT



Date: November 17, 2006

Nicholas A. Zachariades, Ph.D.
Reg. No. 56,712
AKERMAN SENTERFITT
P.O. Box 3188
West Palm Beach, FL 33402-3188
Tel: 561-653-5000

Docket No. 5853-371